



RECEIVED
SEP 03 2002
TECH CENTER 1600/2900
25/128
10/7/02

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES

Attorney Docket No.:
VOSS1110

In re Application of: Breier et al.

Application No: 09/445,201

Filed: April 12, 2000

Entitled: REGULATORY SEQUENCES CAPABLE OF
CONFERRING EXPRESSION OF A
HETEROLOGOUS DNA SEQUENCE IN
ENDOTHELIAL CELLS IN VIVO AND USES
THEREOF

Group Art Unit: 1636

Examiner: S.S Pappu

Applicants hereby appeal to the Board of Appeals from the decision dated April 23, 2002 of the Examiner rejecting claims 1-11, 13, 14, 17-23 and 42-44.

1.	<input checked="" type="checkbox"/>	Appeal Fee (37 C.F.R. 1.17(b))	
		other than small entity	\$320.00
	<input checked="" type="checkbox"/>	small entity	\$160.00

2.	X	A petition and fee for an extension of time for reply to the rejection is attached.						
X	Extension Fee (37 C.F.R. 1.17(a))							
		other than small entity						
		\$110.00		\$400.00		\$920.00		\$1,440.00
	X	small entity						
		\$55.00	X	\$200.00		\$460.00		\$720.00

10/01/2002 AYONDAF1 00000004 09445201

02 FC:219

160.00 OP

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, September 23, 2002, in an envelope addressed to: Box AF, Commissioner for Patents, Washington, DC 20231.

Aldon Griffis

(Name of Person Mailing Paper)

Aldon Griffis

(Signature)

September 23, 2002

(Date)

In re Application of:

Breier et al.

Application No.: 09/445,201

Filed: April 12, 2000

Page 2

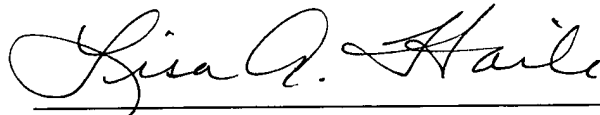
PATENT

Attorney Docket No.: VOSS1110

3.	<input checked="" type="checkbox"/>	Enclosed are Check Nos. 519410 and 519419 in the TOTAL amounts of \$200.00 and \$160.00, respectively, which consist of \$200.00 for the Two Months Extension of Time fee and \$160.00 for the Appeal Fee. The Commissioner may charge any other fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355.
----	-------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

September 23, 2002

Date



Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

Attorney for Applicant

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

USPTO CUSTOMER NUMBER 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133